

REMARKS

Claims 1-14 are pending in this application. By this Amendment, claims 1, 4, 7, 9, 10, and 12 are amended, claim 11 is canceled and claims 13 and 14 are added.

Reconsideration in view of the above amendments is respectfully requested.

The Office Action rejects claims 1-12 based on 35 U.S.C. §102(b) as being unpatentable over Bonutti, U.S. Patent No. 5,897,674. The rejection is respectfully traversed.

Bonutti fails to disclose "a scalpel, comprising a scalpel blade holder with a handle region, and a scalpel blade attached to the scalpel blade holder," as recited in claim 1.

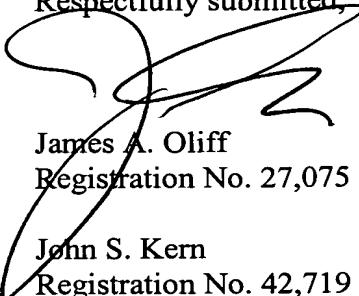
In particular, Bonutti teaches a suture anchor inserter assembly, not a scalpel blade attached to a blade holder, as recited in claim 1. In Bonutti, the inner member (66) has a tubular or a cylindrical tubular configuration (col. 8, line 44; col. 10, lines 2, 3, 61 and 62) or a triangular cross sectional configuration (col. 10, lines 65-67). This tubular or triangular configuration does not correspond to a scalpel blade. When the anchor is inserted into the opening the pointed end portion (82) pivots the anchor relative to the central axis of the shaft (col. 16, lines 30-34). This inner member and end portion (82) do not have the function and/or capabilities of the scalpel blade. No cutting function, as is associated with the scalpel blade, is associated with Bonutti's inner member (66) and end portion (82).

Therefore, claim 1 is patentable over Bonutti. Claims 2-12 depend from claim 1 and therefore are also patentable subject matter for at least the reasons that claim 1 is patentable, as well as for the individual features they disclose. Additionally, Applicant submits new claims 13 and 14 contain patentable subject matter. Accordingly, Applicant requests that the rejection under 35 U.S.C. §102(b) be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-14 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


James A. Oliff
Registration No. 27,075


John S. Kern
Registration No. 42,719


JESSE O. COLLIER
REG. NO. 53,839

JAO:JSK/jam

Date: July 3, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461